

USTR is now hard at work on a number of initiatives that continue its legacy of expanding trade for the benefit of all Americans, such as the Trans-Pacific Partnership, the Asia-Pacific Economic Cooperation forum, and World Trade Organization agreements on topics from services liberalization to customs reform. And USTR remains hard at work enforcing our existing trade agreements at the WTO and elsewhere, to ensure the United States receives the full benefit of those agreements.

So I would like to extend my congratulations to Ambassador Kirk, his predecessors, and the entire USTR team past and present for reaching the 50-year milestone. I look forward to another half century of stellar accomplishments, and I can assure you that I will do everything I can to help make that possible.

SECOND BIG SKY HONOR FLIGHT VISIT TO D.C.

Mr. BAUCUS. Mr. President, I rise to recognize a very important event that will be occurring this Sunday and Monday. Eighty-nine World War II veterans from Montana will take part in the Big Sky Honor Flight and come to Washington, DC, to visit their monument—the WWII Memorial.

Their trip is hosted by the Big Sky Honor Flight Program. The mission is to recognize American veterans for their sacrifices and achievements by flying them to Washington, DC, to see their memorials at no cost.

These veterans come from all parts of our great State. This is a special weekend for this group of heroes. It is also a time to give thanks for the courage and sacrifice of all our veterans and servicemembers. It is a time to reflect on the sacrifices made by those who fought on the front in Europe, on the battlefields of Korea, in the jungles of Vietnam, the deserts of Iraq, and those who are currently fighting in the mountains of Afghanistan. We must not forget their sacrifices.

I am so pleased I will be able to meet with these courageous Montanans. I ask the Senate to join me in welcoming these heroes to our Nation's Capital this weekend, and I ask unanimous consent that their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Lee Alderdice; Milton Lyman Amsden; Harry A. Arvidson; Peter N. Bertram; Leonard E. Bestrom; Warren Charles Bodecker; Ralph Floyd Brewington; James C. Brook; William B. Brown; Jackson L. Burger; Filmore B. Canon; John M. Clark; Harold Lee Conrad; Hollis E. Coon; Gool Counts; Carley Rhein Cromwell; Leo Eckhardt; James E. Elander; James Ellison; Charles T. Eskro.

Frank D. Evans; Alvin Oscar Fisher; Samuel W. Frank; Durl J. Gibbs; Raymond P. Gregori; Robert Glover Hall; Charles E. Halstead; Thomas A. Hanel; Russell LeRoy Hartse; James Hasterlik; Milam V. Hearron; McDonald W. Held; Lewis W. Holzheimer;

Bernard E. Hertson; Earl T. Jackson; Elwin M. Johnson; George L. Kimmet; Vincent Leo Koefeld; Vernon Lee Koelzer; Frank J. Koncilya.

Andre Rioul Kukay; Willard E. LaCounte; Albert R. Lasater; Harold J. Lasater; Gorvan J. LeDuc; Oscar L. Lee; Norman D. Leonard; Joseph Biggs Little; Max E. Long; Robert W. Lubbers; Leonard John Mager; James J. Marshall; William R. Matthew; Paul Messer; Elizabeth S. Meyer; Geraldine E. Mihalic; Gerald K. Nelson; John H. O'Bannon; Clarence A. Olson; Eddie C. Olson.

Ray A. Olson; Thomas F. Patterson; Roy Louis Peters; John W. Porter; Carl Redding; Michael G. Rhodes; Robert V. Ryan; Charles F. Sandford; Dave Schledewitz; Laurence N. Shipp; William James Sivele; Anthony W. Skorupa; Charles E. Smith; Donald E. Smith; Kenneth C. Smith; Robert M. Standefer; John R. Stevenson; Frank Phillip Thatcher; Clifford V. Thomsen; Robert E. Torginson; Ronald W. Torstenson; James Arthur Vick; Albert Wade; James Forest Walker; Bernard Edgar Wanderaas; Joseph A. Weber; Allen L. Whittington; Bryce Wood Williams; Andrew R. Winter.

MODIFICATIONS TO S. 1956

Mr. CARDIN. Mr. President, would the Senator from South Dakota enter into a colloquy to discuss concerns I have with his bill S. 1956 and a suggested amendment I have filed for consideration, which is currently running through the hotline process?

First of all I want to thank my colleagues for their willingness to work with me to address some of the concerns I have with this bill as it was reported out of the Commerce Committee.

While I have some ongoing reservations about the precedent and potential impacts this bill could have on our relations with our closest European allies, I am willing to allow legislation to move forward if I may get consent to have my amendment agreed to.

I would like to discuss my amendment and the process which the legislation prescribes the Secretary of Transportation to follow in determining whether to prohibit U.S. airlines from participating in the European Union's carbon emissions trading scheme.

The second paragraph of subsection (a), section 3 of the legislation contains a provision that is designed to "hold harmless" U.S. airlines from the fees, taxes or fines that they incur from the EU under the emissions trading scheme.

While the Secretary of Transportation has discretion as to how he will act to "hold harmless" our air carriers, it is understood that these actions could possibly require some form of payment by the Federal Government.

One of my greatest concerns with the bill, which I believe the sponsors of the bill share with me, and I appreciate their interest in working with me to address this issue, is that any payments that may result from this provision not come at the expense of the American taxpayer.

I would like to ask the Senator this question: is it correct that it is not his intent that any costs or remunerations

triggered by this legislation come at the expense of U.S. taxpayer dollars?

Mr. THUNE. That is correct, it has always been my intent, and it is shared by the Congressional Budget Office, and the Secretary of Transportation, who will have the primary responsibility of implementing this legislation.

According to the CBO, "enacting S. 1956 would have no significant impact on the federal budget."

I ask unanimous consent at this time to have their entire report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 1, 2012.

Hon. JOHN D. ROCKEFELLER IV,
*Chairman, Committee on Commerce, Science,
and Transportation, U.S. Senate, Wash-
ington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1956, the European Union Emissions Trading Scheme Prohibition Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*S. 1956—European Union Emissions Trading
Scheme Prohibition Act of 2011*

The European Union (EU) has established the European Union Emissions Trading Scheme (ETS), a regulatory framework related to greenhouse gas emissions. Currently, the ETS covers emissions from air carriers that operate flights within, to, and from EU member states. Negotiations between the U.S. government and the EU about the applicability of the ETS to U.S. air carriers are ongoing, and the potential outcome of those negotiations is unclear.

S. 1956 would direct the Secretary of Transportation to prohibit U.S. air carriers from participating in the ETS if the Secretary believes such a prohibition to be in the public interest. The bill would direct federal agencies to continue negotiations in pursuit of a worldwide approach to addressing aviation-related emissions and would authorize the Secretary to use existing authorities to ensure that U.S. air carriers are held harmless for any costs they incur if they participate in the ETS.

CBO estimates that enacting S. 1956 would have no significant impact on the federal budget. We expect that the bill would not alter the scope of diplomatic efforts currently underway or federal agencies' costs to participate in those efforts, which are subject to appropriation. The bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 1956 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

S. 1956 would impose a private-sector mandate, as defined in UMRA, if U.S. air carriers would be prohibited from participating in the ETS. The cost of the mandate would depend on how the prohibition is administered by the Department of Transportation. Because information about how the prohibition would be implemented is not available, CBO has no basis for estimating the cost, if any, to U.S. air carriers. Consequently, CBO cannot determine whether the cost of the mandate would exceed the annual threshold established in UMRA for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).

On September 23, 2011, CBO transmitted a cost estimate for H.R. 2594, the European Union Emissions Trading Scheme Prohibition Act of 2011, as ordered reported by the House Committee on Transportation and Infrastructure on September 23, 2011. The two bills are similar, and the CBO cost estimates are the same.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Amy Petz (for the impact on the private sector). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Mr. THUNE. Additionally, at a recent Commerce Committee hearing on my bill, Secretary LaHood was asked if any possible action of implementation could "include the U.S. government paying EU authorities directly or compensating the operators for any fines incurred for non-compliance with EU ETS."

He responded, "We have absolutely no intention of asking the U.S. taxpayer to pay any ETS fines incurred for non-compliance with EU ETS, directly or indirectly."

I appreciate Senator CARDIN and LAUTENBERG for coming forward and working with me to clarify this point, and I thank them both for releasing their hold.

I am happy that we have been able to come to a bipartisan agreement on my bill and look forward to final passage today in the Senate and hopefully soon by the House of Representatives so we can send a clear message to the EU that ETS is arbitrary, unfair, and a clear violation of international law.

Mr. CARDIN. I appreciate the Senator clarifying his intent, and I am glad he shares my concern.

I believe my amendment helps make the intent of the legislation clear.

My amendment adds a third paragraph to subsection (a) of section 3 of the bill.

The amendment will explicitly exclude any appropriated funds or user fee receipts to be expended on actions taken under the hold harmless clause.

This amendment will ensure that any taxpayer dollars, either through appropriations or through user fee receipts, are expressly prohibited from supporting actions resulting from the held harmless clause of the bill.

Would my colleague agree that my amendment assures that no U.S. taxpayer dollars will be expended on any held harmless actions that may result from this bill?

Mr. THUNE. Yes.

Mr. CARDIN. I thank the Senator for his cooperation with me on this important fiscal matter.

I want to make it clear to my colleagues, as this bill progresses forward or is reconciled with a less thoughtful House proposal, I do want my colleagues to understand that should the Senate have to reconsider a different proposal in a conference report that I intend to reserve my right to object.

I also want my colleagues to understand that I feel that the United States and countries around the globe must take actions to address the threat car-

bon emissions pose to the global environment.

I think there are some legitimate concerns with the way the EU has proposed to take unilateral actions to reduce carbon emissions from the aviation sector.

I don't fault the EU for their leadership in the face of what has thus far been nearly 15 years of failed multinational negotiations on how we as co-operating nations should be reducing or mitigating aviation carbon emissions.

I would like for the United States to take greater action to address this problem, and in many respects I think it is unfortunate that the United States has not demonstrated the same kind of leadership that the nations of Europe have taken on this issue.

HUMANITARIAN CATASTROPHE IN SUDAN

Mr. BOOZMAN. Mr. President, I rise today to highlight the following letter written by over 60 genocide scholars, including Dr. Samuel Totten of the University of Arkansas. Their letter urges the Obama administration to do more to end the humanitarian catastrophe occurring in South Kordofan and Blue Nile States of Sudan.

Last summer I joined a group of bipartisan Senators in making a similar request of the administration. Unfortunately, humanitarian aid to South Kordofan and Blue Nile continues to be severely limited and the violence has not ceased.

I applaud the authors of this letter for their continued advocacy to ensure that another genocide does not occur in Sudan, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 31, 2012.

To: President Barack Obama; Secretary of State Hillary Clinton; Ambassador to the United Nations Susan Rice; Special Assistant to the President Samantha Power.

From: The Undersigned Genocide Scholars
Subject: Humanitarian Catastrophe in South Kordofan and Blue Nile States of Sudan
DEAR PRESIDENT OBAMA, SECRETARY OF STATE CLINTON, AMBASSADOR RICE AND SPECIAL ASSISTANT POWER: On June 6, 2011, the Sudanese regime, led by indicted war criminal Omar al-Bashir, unleashed a wave of targeted ethnic killings against the people of the Nuba Mountains in South Kordofan state, Sudan. Since then this state-sponsored violence has spread to engulf much of South Kordofan and Blue Nile states.

The continuing multiple atrocities amount to at least crimes against humanity. This, in and of itself, is alarming. According to the tenets of the Responsibility to Protect now is the time to protect the targeted population.

Satellite imagery has revealed mass graves, razed communities, and the indiscriminate low altitude aerial bombardment of civilian areas in South Kordofan state. Reliable eyewitnesses continue to report systematic government shelling and bombing of refugee evacuation routes, helicopter

gunships hunting civilians as they flee their homes and farmland to hide in caves, and a deliberate and widespread blockage of humanitarian aid into South Kordofan and Blue Nile states. Anecdotal evidence of perpetrators screaming racist slurs as civilians are killed and raped are familiar to anyone who knows what has been happening in Darfur since 2003.

Sufficient evidence exists for us to believe the Sudanese regime is attempting to annihilate those whom the government suspects of supporting the Sudan People's Liberation Movement-North's (SPLM-N) aims. Hence many local people are automatically targeted regardless of their true political affiliations.

Hundreds of thousands of Sudanese remain trapped in South Kordofan, the victims of forced starvation, unable to farm their land. This critical situation largely mirrors what the same regime perpetrated in the 1990s, a case of genocide by attrition.

Meanwhile in Blue Nile state, a scorched earth campaign by government forces has forced the SPLM-N to retreat, leaving tens of thousands with no protection from the perpetrators.

As genocide scholars we have a solemn responsibility to educate the public about the horrors of the past in the hope of creating a future free of such crimes. We are the keepers of the chapters of human history that are difficult to confront, casting a dark shadow on all of humanity. We study the past to find ways to prevent such egregious actions in the future. We exist to remind the world of humanity's capacity to commit genocide anywhere and against any group of people.

It is because of that responsibility that we write to you. We call on you to fulfill your responsibilities as global leaders when it comes to confronting mankind's most terrifying of crimes.

Although we welcome your efforts to aid the refugees who have found their way to camps in South Sudan, we must point out that as world leaders you have the moral authority granted by the UN's unanimous 2005 declaration of the Responsibility to Protect to demand delivery of aid to those inside Sudan. As guarantors of the Comprehensive Peace Agreement signed that same year, moreover, you have not fulfilled your legal and moral obligation to sanction violators of that agreement.

The Sudanese regime continues to slaughter its own civilians, while denying them access to aid and in defiance of various international treaties and conventions it has signed, not to mention the Sudanese constitution.

The Tripartite Agreement signed on 4 August 2012 in Addis Ababa, called upon the Government of Sudan to allow humanitarian access to all areas of the Nuba Mountains and the Blue Nile state dependent on certain conditions. Yet the Bashir regime's track record leads us to fear it will interfere with aid delivery to those in most need. Seasonal inaccessibility also requires extraordinary and timely arrangements, such as airdrops. Hence we beseech you to take the following steps immediately to ensure aid is delivered to South Kordofan and Blue Nile.

Establish a land and air humanitarian corridor through which aid can be delivered without interference or hindrance from Sudanese security, military or other forces or proxies.

Secure arrangements with the SPLM-N for the airlifting of these supplies directly into territory in their control.

Inform relevant Sudanese officials that, due to the urgency of the catastrophe created by their actions, the United States will deliver relief directly into the war-affected areas underneath SPLM-N control.